

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**KELLI DENISE GOODE, Individually,  
and also as the Personal Representative of  
Troy Charlton Goode, Deceased, and as  
Mother, Natural Guardian, and Next  
Friend of R.G., a Minor, and also  
on behalf of all similarly situated persons**

**PLAINTIFF**

**V.**

**NO. 3:17-CV-60-DMB-RP**

**THE CITY OF SOUTHAVEN, et al.**

**DEFENDANTS**

**ORDER DENYING NEW TRIAL SETTING**

On May 18, 2017, following the case management conference and entry of the case management order, this Court noticed the trial in this case for July 23, 2018.<sup>1</sup> Doc. #286. On July 6, 2017, Baptist Memorial Hospital–Desoto filed a motion seeking a new trial setting. Doc. #296. As grounds, Baptist represents that its counsel “have a prior trial setting involving the weeks of July 23, 2018 and July 30, 2018, in a case pending in the United States District Court, Northern District of Mississippi, styled *Alicia P. Lawrence, Individually and as Legal Guardian and Next Friend of S.B., a Minor v. Baptist Memorial Hospital-DeSoto, Inc., et al.* Case No. 3:16cv251,” and that *Lawrence* was re-noticed on April 24, 2017, for a three-week trial beginning July 16, 2018. *Id.* at 2.

On July 20, 2017, Kelli Goode responded in opposition to Baptist’s motion for a new trial setting.<sup>2</sup> Doc. #303. Goode argues that Baptist “has failed to show good cause why the trial setting has become unacceptable since the Case Management Conference” because Baptist did not object

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<sup>1</sup> The case management order, entered May 17, 2017, includes a trial date of July 23, 2018. Doc. #283.

<sup>2</sup> Goode is the only party who filed a response to the motion.

to a July 23, 2018, trial at the case management conference; does not explain its “failure to raise this issue during that conference;” and “does not explain what events, if any, have caused this date to become unavailable since the Case Management Conference or the entry of the Case Management Order.” *Id.* at 1–2. Goode also argues that Baptist’s motion “is premature in light of the possibility that the present conflict will resolve” based on the outcome of dispositive motions. *Id.* at 1. Goode “requests the Court maintain the current trial date and deny [Baptist’s] motion without prejudice to refile should this conflict still exist after resolution of dispositive motions in this case.” *Id.* at 2.

Considering, among other things, that the trial date in this case and in *Lawrence* are several months in the future, that there are multiple parties and attorneys involved in this case, that no other party or attorney has indicated a conflict with the current trial date, and that there are a number of pending dispositive motions filed in this case (including those filed by Baptist), the Court declines to move the trial setting at this time. Accordingly, Baptist’s motion for a new trial setting [296] is **DENIED without prejudice**.

**SO ORDERED**, this 14th day of March, 2018.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**